

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79982 of 2018

Arising Out of PS. Case No.-45 Year-2017 Thana- BHAGWANPUR District- Vaishali

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1. Suman Paswan
 2. Subhash Paswan
- both S/o Kapoorchandra Paswan R/vill-Kiratpur Rajaram, P.S-Bhagwanpur,
Distt.-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rina Sinha, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-01-2019 Heard learned counsels for the petitioners, informant
and learned APP for the State.

The petitioner is languishing in custody since
08.07.2018 in a case registered for the offence punishable
under Sections 341,323 and 302/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan
of Rajesh Paswan, recorded by S.I. Nagdev Bhagat, SHO
Bhagalpur Police Station on 14.03.2017 at 02.40 P.M., to the
effect that on the same day at 1.30 P.M., co-accused Mithilesh
Paswan, Hemant Paswan and the petitioners Suman Paswan
Subhash Paswan were creating nuisance in front of the house
of the uncle of the informant, namely Lakshman Paswan.
When Lakshman Paswan tried to pacify the nuisance, in the



meantime, co-accused Mithilesh Paswan started assaulting the brother of the informant, namely Lakshman Paswan. On alarm being raised by the brother of the informant, the informant went to rescue him then the accused persons, including the petitioners assaulted the informant and his wife. It is further alleged that when mother of the informant came to rescue, then all the accused persons started assaulting the informant, informant's wife and his mother with bricks. It is also alleged that the mother of the informant died due to assault made by the petitioners and co-accused Mithilesh.

It is submitted by learned counsel for the petitioners that the accusation of assault is omnibus and general against all the accused persons. In fact, the mother of the informant went under an eye operation, which caused some injuries on her eyes. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State however submits that the post-mortem report reflects that Girija Devi received fracture on skull and the accusation is specific against the petitioners.

Considering the specific accusation of assault against the petitioners, this Court is not inclined to grant bail to the



petitioners for the present.

Accordingly, the prayer for bail of the petitioners, in connection with Bhagwanpur P.S. Case No.45 of 2017 , pending before the learned ACJM-III, Vaishali at Hajipur, is rejected.

However, it is expected from the trial Court to expedite the trial. If the trial will not be concluded within a period of one year, the petitioners would be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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